

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 2, 4-8 and 10-19 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of amendments and remarks as set forth below.

The Examiner's Suggestions for Amendments

Applicant notes that the Examiner has attached to the outstanding Office Action a copy of pages 2-10 of the previous Amendment including changes marked on claims 4, 8, 10 and 12. While the Examiner has not indicated the reason for attaching these pages, Applicants assume that these are the Examiner's suggested changes to overcome the rejections. Accordingly, Applicants have prepared the present Amendment based on these comments. Applicants thank the Examiner for his attempts to indicate allowable subject matter.

Acknowledgement of the Information Disclosure Statement

The Examiner is respectfully requested to acknowledge the Information Disclosure Statement filed on February 18, 2004. An initialed copy of the PTO-1449 should be sent to the undersigned at the earliest convenience of the Examiner.

Rejection under 35 U.S.C. §112

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner points out insufficient antecedent basis for the term “water area”. By way of the present Amendment, claim 8 has been amended to give proper antecedent basis to this term. Accordingly, this rejection is overcome.

Rejection under 35 U.S.C. §102

Claim 12 stands rejected under 35 U.S.C. § 102 as being anticipated by Morita (U.S. Patent 3,916,457). This rejection is respectfully traversed.

The Examiner has explained this reference merely by stating that it shows an indoor swimming pool. Applicant submits that the Examiner has not met his burden of properly identifying all elements of the claim and that this reference does not anticipate claim 12. Thus, claim 12 discusses not only a closed space, but also the use of refrigerating machinery to form an artificial ice cover on the surface of the water. Applicant submit that the Examiner has not shown where this reference teaches the use of features. Furthermore, Applicant submits that this reference does not include the features. Typically, an indoor swimming pool would not have refrigerating machinery for making an artificial ice cover. If the Examiner persists in this rejection, he is requested to point out where these limitations are found.

Rejection under 35 U.S.C. § 103

Claim 2, 4-7, 10, 11 and 13-19 stand rejected under 35 U.S.C. § 103 as being obvious over the Stein et al. publication in view of Brown (U.S. Patent 3,916,643). This rejection is respectfully traversed.

The Examiner states that Stein et al. teaches mechanical and electrical improvement for buildings and that the climate in each separate space can be separately regulated by local systems. The Examiner admits that Stein et al. does not teach winter temperatures in one separate space. The Examiner relies on Brown to teach winter temperatures in one separate space. The Examiner feels it would have been obvious to have winter temperatures in a separate space shown by Brown in the structure of Stein et al. for the enjoyment of winter activities indoors.

First, concerning the teachings of Brown, the reference appears to teach nothing more than a walk in freezer. Applicant submits that there is no teaching of the use of such a freezer for the enjoyment of winter activities indoors as the Examiner suggests. Not only are such freezers typically too small for winter activities, but the typical temperature for a freezer is usually below a temperature which is considered enjoyable even for winter activities.

Furthermore, claim 4 discusses that several of the partially closed separate spaces are arranged in one of the open unitary interior spaces. The Examiner has not shown where this is found in the Stein et al. reference. Further, the claim discusses that the climate in separate spaces mimic differing geographically

related climatological locations. Applicant submits that the Stein et al. reference shows nothing more than an interior space with separate heating zones. These zones are for standard building environments and do not mimic mutually differing geographically related climatological conditions. Further, one of these spaces is said to correspond to the winter conditions of Nordic arctic areas. Even a freezer does not correspond to such conditions. Accordingly, Applicant submits that claim 4 is not obvious over this combination of references.

Concerning claims 2, and 5-7, various aspects of the separate activities and the relationship of their climate to natural conditions are discussed. Neither Stein et al. nor Brown teach plants and animals arranged in appropriate separate spaces, any type of seasonal rhythm or a logical connection between the various spaces. Accordingly, these claims are considered to be additionally allowable.

Claim 10 is an independent claim which is similar to claim 4. Applicant submit that this claim is allowable for the same reasons presented above in regard to claim 4.

Claim 11 depends from claim 10 and is likewise considered to be allowable. In addition, this claim also recites the natural seasonal rhythm. Accordingly, this claim is considered to be allowable.

Claims 13-17 are dependent claims which depend from claim 4. These claims also recite the relationship between the various spaces in terms of the climatological temperatures, the use of transparent walls, and the use of excess

heat into a separate space for summer activities in regard to the four seasons. Applicants submit that neither of the references teach these features.

Claims 18 and 19 are similar dependent claims and further describe features such as an arctic zoo, arctic fishing and diving pool, snow church, snow hotel, and ski slope. The Examiner states "Brown shows a snow hotel and a ski slope. (Fig. 1)". Applicants have reviewed Figure 1 and see nothing but a walk in freezer. The Examiner is respectfully requested to explain how a walk in freezer can be considered a snow hotel and a ski slope. Applicants can find no indication in either of the references of the presence of a snow hotel or ski slope. If the Examiner persists in this rejection, he is respectfully requested to explain his remarks.

CONCLUSION

In view of the above remarks, it is believed that claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Response filed June 3, 2005

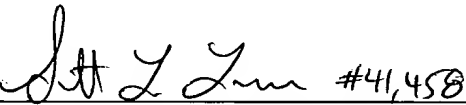
Appl. No. 09/831,279
Atty. Docket: 1390-0124P


Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application and the required fee of \$510.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #41,458
Joe McKinney Muncy, #32,334

 KM/RFG/adt
1390-0124P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 09/30/03)